IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CONTEMPT PETITION NO.95 OF 2007
IN
WRIT PETITION NO.1603 OF 2007

Rajkumar Kewat .. Petitioner
Versus
State of Maharashtra & Ors. .. Respondents

WITH

CONTEMPT PETITION NO.96 OF 2007
IN
WRIT PETITION NO.1601 OF 2007

Sakpal Shankar Derba .. Petitioner
Versus
State of Maharashtra & Ors. .. Respondents

WITH

CONTEMPT PETITION NO.97 OF 2007
IN
WRIT PETITION NO.1602 OF 2007

Smt.Laxmi Avdesh Thakur .. Petitioner
Versus
State of Maharashtra & Ors. .. Respondents

Mrs.Sumedha Rao for petitioners
Mr.K.R.Belosey, G.P. with A.G.P. for respondents.

CORAM : S.C.DHARMADHIKARI, J.
DATE : 11th September 2007.

P.C.

. This matter was placed before me yesterday and time was taken to seek instructions from the competent authority viz., Conservator of Forest and Director, Sanjay Gandhi National park, Borivali.

2. The Division Bench of this Court in the above petition passed order on July 24, 2007. Para 2 which is relevant reads thus:-

> "2. Be that as it may, the learned Counsel for the State states that in view of the judgement of this Court, the Authority has considered the application of the petitioner and the question of eligibility has been finalised. Whatever may be the circumstances, nothing prevents the State from communicating the

> reasons to the petitioner. Hence, we direct that the Authority to hear and dispose of the application dated 12th June 2007 expeitiously and in accordance with law, keeping in view of the judgement of this Court. The petition stands disposed of. No order as to costs."

3. The order passed directs the Authority to hear and dispose of the application dated 12th June 2007 as expeditiously as possible and in accordance with law, keeping in view the judgement of this Court. Petition stood disposed of by these directions.

4. Mr.Belosey, G.P. submits that the order dated 24th July 2007 was communicated to the competent authority but prior thereto letter dated 26th July 2007 was addressed which is in reply to the letter/application dated 12th June

2007. He has pointed out that the present petition is, therefore, premature.

5. In paras 3 and 4 of the reply affidavit, the respondent states thus:-

> "3. By this petition, the petitioner alleged disobedience of the purported impugned order dated 24th July 2007 on the ground that after passing of the order daeted 24th July 2007 the letter dated 26th July 2007 is issued and therefore, respondent No.2 is alleged to have committed deliberate and wilful non-compliance of the order dated 24th Julyu 2007 by not hearing and disposing of the representation dated 12.6.2007 filed by the petitioner. It is absolutely incorrect. The letter dated 26th July 2007 is not an order of respondents. It is a reply to the

application dated 12th June 2007 by the petitioner.

"4. I say that the prayer in the aforesaid Contempt Petition itself is not maintainable. It is admitted fact that the said letter is not an order. As a matter of fact, the said letter dated 2th July 2007 is a reply to the application dated 12th June, 2007. The petition is filed on 18th July 2007 before the application dated 12th June 2007 of the petitioner is considered by the concerned authority. There is no opportunity for the respondent No.2 to comply with the order dated 24th July 2007. The letter dated 26th July 2007 was issued in usual course of business and not in consonanece with the order dated 24th July 2007. By the said letter dated 26th July 2007, it is communicated to the petitioner that

the application dated 12th June 2007 of the petitioner cannot be considered in view of the specific directions of this Hon'ble Court dated 17th July 1999. Pursuant to the said order, the order passed by the Grievance Redressal Committee is final and no court or tribunal will entertain any proceedings against the said order of the Grievance Redressal Committee and, therefore, the above mentioned decision of the Grievance Redressal Committee cannot be interefered with or changed by the respondent No.2 and, therefore, request to make the petitioner eligible cannot now be considered. .. .... It appears that the said order dated 17th July 1999 was not brought to the notice of this Hon'ble Court when the aforesaid order dated 24th July 2007 was passed by this Hon'ble Court."

6. Without entering into the larger controversy and in compliance with the order passed by the Division Bench which of course, directs consideration of the request in accordance with the law, all that can be directed in the Contempt Petition is to comply with the order of this Court. The submission of Mr.Belosey on merits of the controversy cannot be gone into in the limited jurisdiction under the Contempt of Courts Act.

7. Accordingly, it is directed that the petitioner shall appear before the Conservator of Forest and Director of Sanjay Gandhi National Park on 27th September 2007 at 11.30 a.m. and the said authority shall hear and decide the representation/request of the petitioner afresh uninfluenced by the order passed earlier and on merits so also in accordance with law. The said Authority shall communicate the decision to the

petitioner by 11th October 2007.

(S.C.DHARMADHIKARI, J)